

AMENDED IN ASSEMBLY MAY 12, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2699**

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### Introduced by Assembly Member Bass

February 19, 2010

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An act to amend Section 900 of, and to add Section 901 to, the Business and Professions Code, relating to healing arts.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Bass. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

This bill would also provide an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in another state who offers or provides health care services for which he or she is licensed or certified (1) *to uninsured or underinsured persons*, (2) on a short-term voluntary basis, ~~(2)~~ (3) in association with a sponsoring entity that registers with *the applicable healing arts board, as defined*, and provides specified information to;

~~the designated local agency, as defined, selected by a local government entity, as defined, and (3) the county health department of the county in which the health care services will be provided, (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. The bill would also prohibit a contract of professional liability insurance issued, amended, or renewed on or after January 1, 2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions. The bill would state the intent of the Legislature that these health care services be provided primarily to uninsured and underinsured persons, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 900 of the Business and Professions Code  
2     is amended to read:  
3     900. (a) Nothing in this division applies to a health care  
4     practitioner licensed in another state or territory of the United  
5     States who offers or provides health care for which he or she is  
6     licensed, if the health care is provided only during a state of  
7     emergency as defined in subdivision (b) of Section 8558 of the  
8     Government Code, which emergency overwhelms the response  
9     capabilities of California health care practitioners and only upon  
10    the request of the Director of the Emergency Medical Services  
11    Authority.  
12    (b) The director shall be the medical control and shall designate  
13    the licensure and specialty health care practitioners required for  
14    the specific emergency and shall designate the areas to which they  
15    may be deployed.  
16    (c) Health care practitioners shall provide, upon request, a valid  
17    copy of a professional license and a photograph identification  
18    issued by the state in which the practitioner holds licensure before  
19    being deployed by the director.  
20    (d) Health care practitioners deployed pursuant to this chapter  
21    shall provide the appropriate California licensing authority with  
22    verification of licensure upon request.  
23    (e) Health care practitioners providing health care pursuant to  
24    this chapter shall have immunity from liability for services rendered  
25    as specified in Section 8659 of the Government Code.

(f) For the purposes of this section, “health care practitioner” means any person who engages in acts which are the subject of licensure or regulation under this division or under any initiative act referred to in this division.

(g) For purposes of this section, “director” means the Director of the Emergency Medical Services Authority who shall have the powers specified in Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

SEC. 2. Section 901 is added to the Business and Professions Code, to read:

901. (a) For purposes of this section, the following definitions apply:

(1) ~~“Board” means a healing arts board under this division or under any initiative act referred to in this division.~~

(2) ~~“Designated local agency” means an office, department, agency, or other entity of a local government entity designated to act on behalf of a local government entity in accordance with this section.~~

(3) ~~“Health care practitioner” means any person who engages in acts that are subject to licensure or regulation under this division or under any initiative act referred to in this division.~~

(4) ~~“Local government entity” means a city, county, or city and county having a public health officer.~~

(5) ~~“Sponsoring entity” may include, but is not limited to, a nonprofit organization or a community-based organization.~~

(b) ~~A local government entity may, at its discretion, elect to allow for the provision of health care services within its jurisdiction in accordance with this section.~~

(c) ~~Nothing in this division applies to a health care practitioner licensed or certified in good standing in another state, district, or territory of the United States who offers or provides health care services for which he or she is licensed or certified if both of the following requirements are met:~~

(1) ~~Prior to providing that care, he or she submits to the designated local agency a valid copy of his or her professional license or certificate and a photographic identification issued by the state in which he or she holds licensure or certification. A sponsoring entity may submit copies of those documents to the designated local agency on behalf of a health care practitioner.~~

~~(2) The care is provided under all of the following circumstances:~~

~~(A) On a short-term voluntarily basis, not to exceed a 10-day period per sponsored event.~~

~~(B) In association with a sponsoring entity that complies with subdivision (d).~~

~~(C) Without charge to the recipient or to a third party on behalf of the recipient.~~

~~(d) A sponsoring entity seeking to provide, or arrange for the provision of, health care services under this section shall do both of the following:~~

~~(1) Register with the applicable designated local agency by completing a registration form that shall include all of the following elements:~~

~~(A) The name of the sponsoring entity.~~

~~(B) The name of the principal individual or individuals who are the officers or organizational officials responsible for the operation of the sponsoring entity.~~

~~(C) The address, including street, city, ZIP Code, and county, of the sponsoring entity's principal office and each individual listed pursuant to subparagraph (B).~~

~~(D) The telephone number for the principal office of the sponsoring entity and each individual listed pursuant to subparagraph (B).~~

~~(E) Any additional information required by the designated local agency.~~

~~(2) Obtain authorization from the designated local agency to provide health care services.~~

~~(e) The sponsoring entity shall notify the designated local agency in writing of any change to the information required under subdivision (d) within 30 days of the change.~~

~~(f) (1) Within 15 days of the provision of health care services pursuant to this section, the sponsoring entity shall file a report with the designated local agency. This report shall contain the date, place, type, and general description of the care provided, along with a listing of the health care practitioners who participated in providing that care.~~

~~(2) The sponsoring entity shall maintain a list of health care practitioners associated with the provision of health care services under this section. The sponsoring entity shall maintain a copy of~~

1 ~~each health care practitioner's current license or certificate and~~  
2 ~~shall require each health care practitioner to attest in writing that~~  
3 ~~his or her license or certificate is not suspended or revoked pursuant~~  
4 ~~to disciplinary proceedings in any jurisdiction. The sponsoring~~  
5 ~~entity shall maintain these records for a period of at least five years~~  
6 ~~following the provision of health care services under this section~~  
7 ~~and shall, upon request, furnish those records to the designated~~  
8 ~~local agency.~~

9 ~~(g) The designated local agency may revoke the registration of~~  
10 ~~a sponsoring entity that fails to comply with subdivision (d), (e),~~  
11 ~~or (f).~~

12 ~~(h) A contract of professional liability insurance issued,~~  
13 ~~amended, or renewed in this state on or after January 1, 2011, shall~~  
14 ~~not exclude coverage of a health care practitioner or a sponsoring~~  
15 ~~entity that provides, or arranges for the provision of, health care~~  
16 ~~services under this section, provided that the practitioner or entity~~  
17 ~~complies with this section.~~

18 ~~(i) The designated local agency shall verify the current state~~  
19 ~~licensure or certification of each health care practitioner and shall~~  
20 ~~notify the sponsoring entity if the current licensure or certification~~  
21 ~~of a health care practitioner cannot be verified.~~

22 ~~(j) It is the intent of the Legislature that health care services~~  
23 ~~provided pursuant to this section be provided primarily to uninsured~~  
24 ~~or underinsured persons. "Uninsured or underinsured person"~~  
25 ~~means a person who does not have health care coverage, including~~  
26 ~~private coverage or coverage through a program funded in whole~~  
27 ~~or in part by a governmental entity, or a person who has health~~  
28 ~~care coverage, but the coverage does not extend to the health care~~  
29 ~~services offered by the health care practitioner under this section.~~

30 ~~901. (a) For purposes of this section, the following provisions~~  
31 ~~apply:~~

32 ~~(1) "Board" means the applicable healing arts board, under~~  
33 ~~this division or an initiative act referred to in this division,~~  
34 ~~responsible for the licensure or regulation in this state of the~~  
35 ~~respective health care practitioners.~~

36 ~~(2) "Health care practitioner" means a physician and surgeon,~~  
37 ~~osteopathic physician and surgeon, chiropractor, dentist, dental~~  
38 ~~hygienist, nurse, vocational nurse, optometrist, or physician~~  
39 ~~assistant.~~

1     (3) “Sponsoring entity” may include, but is not limited to, a  
2     nonprofit organization or a community-based organization.

3     (4) “Uninsured or underinsured person” means a person who  
4     does not have health care coverage, including private coverage  
5     or coverage through a program funded in whole or in part by a  
6     governmental entity, or a person who has health care coverage,  
7     but the coverage does not extend to the health care services offered  
8     by the health care practitioner under this section.

9     (b) Nothing in this division applies to a health care practitioner  
10    licensed or certified in good standing in another state, district, or  
11    territory of the United States who offers or provides health care  
12    services for which he or she is licensed or certified if both of the  
13    following requirements are met:

14    (1) Prior to providing that care, he or she submits to the board  
15    a valid copy of his or her license or certificate and a photographic  
16    identification issued by the state in which he or she holds licensure  
17    or certification.

18    (2) The care is provided under all of the following  
19    circumstances:

20    (A) To uninsured or underinsured persons.

21    (B) On a short-term voluntary basis, not to exceed a 10-day  
22    period per sponsored event.

23    (C) In association with a sponsoring entity that complies with  
24    subdivision (c).

25    (D) Without charge to the recipient or to a third party on behalf  
26    of the recipient.

27    (c) A sponsoring entity seeking to provide, or arrange for the  
28    provision of, health care services under this section shall do both  
29    of the following:

30    (1) Register with the board by completing a registration form  
31    that shall include all of the following elements:

32    (A) The name of the sponsoring entity.

33    (B) The name of the principal individual or individuals who are  
34    the officers or organizational officials responsible for the operation  
35    of the sponsoring entity.

36    (C) The address, including street, city, ZIP Code, and county,  
37    of the sponsoring entity’s principal office and each individual  
38    listed pursuant to subparagraph (B).

1     (D) The telephone number for the principal office of the  
2     sponsoring entity and each individual listed pursuant to  
3     subparagraph (B).

4     (E) Any additional information required by the board.

5     (2) Provide the information listed in paragraph (1) to the county  
6     health department of the county in which the health care services  
7     will be provided, along with any additional information that may  
8     be required by that department.

9     (d) The sponsoring entity shall notify the board and the county  
10    health department described in paragraph (2) of subdivision (c)  
11    in writing of any change to the information required under  
12    subdivision (c) within 30 days of the change.

13    (e) Within 15 days of the provision of health care services  
14    pursuant to this section, the sponsoring entity shall file a report  
15    with the board and the county health department of the county in  
16    which the health care services were provided. This report shall  
17    contain the date, place, type, and general description of the care  
18    provided, along with a listing of the health care practitioners who  
19    participated in providing that care.

20    (f) The sponsoring entity shall maintain a list of health care  
21    practitioners associated with the provision of health care services  
22    under this section. The sponsoring entity shall maintain a copy of  
23    each health care practitioner's current license or certification and  
24    shall require each health care practitioner to attest in writing that  
25    his or her license or certificate is not suspended or revoked  
26    pursuant to disciplinary proceedings in any jurisdiction. The  
27    sponsoring entity shall maintain these records for a period of at  
28    least five years following the provision of health care services  
29    under this section and shall, upon request, furnish those records  
30    to the board or any county health department.

31    (g) The board may revoke the registration of a sponsoring entity  
32    that fails to comply with subdivision (e) or (f).

33    (h) A contract of liability insurance issued, amended, or renewed  
34    in this state on or after January 1, 2011, shall not exclude coverage  
35    of a health care practitioner or a sponsoring entity that provides,  
36    or arranges for the provision of, health care services under this  
37    section, provided that the practitioner or entity complies with this  
38    section.

- 1     *(i) Subdivision (b) shall not apply to a health care practitioner*
- 2     *who renders care outside the scope of practice authorized by his*
- 3     *or her license or certificate.*